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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,440	11/09/1999	ANDREW J. SANDERSON	PM244890	6650

7590

05/22/2002

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EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 05/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance with  
37 CFR 1.192(c)**

Application No.  
**09/436,440**

Applicant(s)  
**Sanderson et al.**

Examiner  
**Rabon Sergeant**

Art Unit  
**1711**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The Appeal Brief filed on Feb 11, 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

*Regarding item 8, claim 5's dependency is incorrect and the word, "and", has been omitted from claim 6. Also, the statement pertaining to the Grouping of the Claims is confusing. Claims 37 and 38 are specified as being within second and third groups, respectively; however, these claims also appear within the first group. Therefore, it is unclear under what conditions these claims stand or fall. Also, it is not clear what is meant by the phrase, "... , but alone from all other active claims of the application". Lastly, the final Office action contains a typographical error, in that claims 35-41 were erroneously omitted from the art rejection. It is regretted that the error has only now been detected; however, it is not seen that prosecution has been hampered, since the subject matter largely appears in earlier rejected claims.*

*Rabon Sergeant*  
**RABON SERGENT**  
**PRIMARY EXAMINER**  
**ART UNIT 1711**